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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/670,573

09/26/2003

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EXAMINER

MOSSER, ROBERT E

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

12/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/670,573 | Applicant(s) KIMURA, SEITARO | |
| | Examiner ROBERT MOSSER | Art Unit 3714 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 8th, 2008 has been entered.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **1-7**, and **9-10**, are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al (US 5,779,549).

Claims **1, 3, and 4**: Walker teaches an online distributed tournament system including:

a virtual start time determination means for deciding the virtual start time of a plurality of matches (*Walker* Abstract Col 9:4-37,, 11:50-67);

a related match selection means for selecting a match from the plurality of matches based the match, virtual start time, and the relation of a main match start time thereto (-tournament and player pairing - *Walker* 11:41-67);

match simulation means for simulating a match (*Walker* Col 14:14-47);

event time arrival monitoring means for recognizing the arrival of an event time during the execution of a match (- Match conclusion – *Walker* Col 11:41-67);

an event content outputting means for outputting event content at the event time during the execution of the main match (- Determine a Winner of each match – *Walker* Col 11:41-67); and

event replay/storage data for reproducing and displaying events occurring in a match as event content (-Determine, save, and announce the winners – *Walker* Col 11:41-67).

Claim 2: The language of claim 2 presently encompasses the announcement of a winner, wherein if a winner is announced during a non-player involved match and subsequently the player is notified that they will compete against the announced winner the announcement of the winner is replayed such as taught by *Walker* (*Walker* Col 11:41-67).

Claims **5-7**: Walker teaches the storage of game results, determination of match pairing therefrom, and the pairing of players or team based player/team standings (*Walker* Col 9:66-10:8, 11:41-67)

Claim **9**: Walker teaches that the player tournaments include player interaction based on game state (*Walker* Col 10:13-41, 11:30-49).

Claim **10**: Walker teaches associating a virtual start time in hours and minutes for game events (*Walker* Col 9:4-37) wherein the virtual start time is reflective of an actual start time.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (US 5,779,549).

Walker teaches associating a virtual start time in hours and minutes for game events (Walker Col 9:4-37) and that tournaments may take place over weeks (Walker Col 11:50-63). Walker however does not explicitly teaches notifying the user of the date including a month and day value. It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated a month and date value into the match schedule of Walker in order to allow the automated scheduling of game matches in Walker to account for tournaments that take place over weeks as taught by Walker.

Claim interpretation

The applicant's present claim language identifies the arrival of an event time and conditions the outputting of the content if the event time arrives during a match, the claim language however does not describe when that information is disseminated.

event time arrival monitoring means for monitoring arrival of the virtual event time stored by the event storage means during execution of the main match; and

event content output means for outputting event content corresponding to the virtual event time if it is determined by the event time arrival monitoring means that the virtual event time has arrived during execution of the main match.

Response to Arguments

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Specifically presented claim amendments are directed to clarification that the related game information is associated with another different game and removing the temporal requirement of when the related information is provided to the player. The application of Walker is reflective of these amendments and the claims as they presently stand.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lavanchy et al (US 6,758,754) teaches the use of news tickers to convey related game events to players and audiences of competitions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT MOSSER whose telephone number is (571)272-4451. The examiner can normally be reached on 8:30-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/670,573
Art Unit: 3714

Page 7

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Supervisory Patent Examiner, Art
Unit 3714

/R. M./
Examiner, Art Unit 3714